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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,205	12/02/2003	Bridget Mary Pantaleo	67389-034	4686

20277 7590 04/19/2006

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EXAMINER	
KRISCIUNAS, LINDA MARY	
ART UNIT	**PAPER NUMBER**
3623	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/725,205	PANTALEO ET AL.	
	Examiner	Art Unit	
	Linda Krisciunas	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Non-Final Office Action in response to the Request for Continued Examination (RCE) filed March 23, 2006. Claims 1-56 are pending. Amendments were made to claims 1, 22, and 41.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 23, 2006 has been entered.

Response to Arguments

3. The arguments in reference to the Final Office Action filed October 24, 2005 are moot in light of the new art rejection listed below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-2, 5, 22-23, 26, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Clarke (US 2006/0053043).

As per claims 1, 22 and 41, Clarke teaches receiving a plurality of tasks of a financial institution (paragraph 31 and paragraph 32, where the system can be used for the financial services industry and the work breakdown structure records all tasks and subtasks related to the project.); identifying a plurality of subtasks associated with each of the plurality of received tasks, wherein the identified subtasks are of different types and are needed to perform each respective task of the financial institution (paragraph 31 indicates the financial services industry and paragraph 74 elaborates further as to the use of subtasks which represent the "logical steps that must be performed to finish the job"); accessing production rate information related to the amount of time (paragraph 88, where Clarke teaches it is difficult to improve productivity if you cannot measure it, wherein the system tracks productivity as it measures project efficiency, as indicated in paragraph 72. In order to measure project efficiency, the production rate would need to be determined), and calculating a work volume of the financial institution based on the identified subtasks and the production rate information (paragraph 85, where the system focuses on improving a combination of maintenance operation volume management and resource management to improve the facility, whereby improving volume management would require knowing the work volume).

As per claims 2, 23 and 42, Clarke teaches the production rate information includes the amount of time needed to perform respective identified subtasks (See Figure 6 which graphs all tasks with respect to time, as per the X axis and see also

paragraph 31 where it states that projects are typically constrained by time and resources.).

As per claims 5 and 26, Clarke teaches the production rate information is obtained from a database or by observation (paragraph 88, where Clarke teaches it is difficult to improve productivity if you cannot measure it, wherein the system tracks productivity as it measures project efficiency, as indicated in paragraph 72. In order to measure project efficiency, the production rate would need to be determined and paragraph 39 indicates that all the project management information is stored in a database.).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3, 6-7, 9-12, 15, 20-21, 24, 27-28, 30-34, 37, 39-40, 43, 45-50, 53, and 55-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke (US 2006/0053043) in view of Morgan et al (US 5,799,286).

As per claims 3, 24 and 43, Clarke teaches the production rate information (paragraph 88, where Clarke teaches it is difficult to improve productivity if you cannot measure it, wherein the system tracks productivity as it measures project efficiency, as indicated in paragraph 72. In order to measure project efficiency, the production rate would need to be determined). Clarke does not explicitly teach production rate includes

the number of each identified subtasks that can be performed per one time. Morgan teaches that it is known that production rate includes the number of each identified subtasks that can be performed per one time (column 2, lines 43-45, which teaches each activity is determined with respect to a percentage of time and column 4, lines 64-67, where reports plot dimensional aspects with respect to time.). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the number of subtasks/time feature of Morgan to provide a means of measuring the rate of task performance which can be targeted for reduction to help improve efficiency.

As per claims 6, 15, 27, 37, 45 and 53, Clarke teaches the work volume is calculated (paragraph 85, where the system focuses on improving a combination of maintenance operation volume management and resource management to improve the facility, whereby improving volume management would require knowing the work volume). Clarke does not explicitly teach work volume being calculated as the number of time units needed to perform the identified subtasks. Morgan teaches that it is known that work volume is calculated as the number of time units needed to perform the identified subtasks (column 6, lines 17-19, where the time tracking application is used to measure utilization which is incorporated to calculate production and column 3, lines 60-61, where there is a production measurement system (36) which is equivalent to determining production rate information as it performs an identical function in substantially the same manner with substantially the same results and column 8, lines

5-9, where in relation to production measurement, product volumes are determined and entered). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the number of subtasks/time feature of Morgan to provide a means of measuring the rate of task performance which can be targeted for reduction to help improve efficiency.

As per claims 7, 28 and 46, Clarke teaches the work volume is calculated (paragraph 85, where the system focuses on improving a combination of maintenance operation volume management and resource management to improve the facility, whereby improving volume management would require knowing the work volume), but does not explicitly teach it per the number of full time employees. Morgan teaches that it is known work volume is calculated as the number of full time employees needed to perform the identified subtasks, based on standard work hours per day (column 8, lines 53-56, where employee expenditures are expressed as full time equivalents (FTE)). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the number of FTE feature of Morgan to provide a means of measuring the manpower required for tasks which can be targeted for reduction to help improve efficiency.

As per claims 9, 30-31 and 47, Clarke teaches accessing staff information; determining staff availability based on the staff information; and the staff information is related to one of: the number of employees, capability of a specific employee to perform

the subtasks, information related to exempt status of employees, information related to staff outage, information related to work time that cannot be used to perform the subtasks, and information related to business days within a specific period of time (See Figure 7, where the employee schedule is displayed. The breaks listed would constitute time the employee is unavailable to work or perform tasks. This would indicate the availability of the employee and would require accessing in order to view the information.). Clarke does not explicitly teach a capacity report. Morgan teaches that it is known to generate a capacity report based on the work volume and the staff availability (column 19, lines 35-51: "User-profile Reporting" where the availability of the employee is reported as well as the production or work volume as indicated by the Activity Output Report, where output is equivalent to work volume as it performs an identical function in substantially the same manner with substantially the same results). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the capacity report feature of Morgan to provide a means of measuring the manpower required for tasks which can be targeted for reduction to help improve efficiency and optimize resource allocation.

As per claims 10, 32 and 48, Clarke does not explicitly teach information about employees. Morgan teaches that it is known the information related to the number of employees includes at least one of the number of full-time employees, the number of other types of employees, the total hours worked by other types of employees

expressed as a full-time employee equivalent (column 17, lines 33-41, where the full-time equivalents (FTE) are reported with respect to each product and its cost. The FTE would indicate the number of employees.); and the other types of employees include at least one of part-time employees, temporary employees, interns, and borrowed staff (column 6, lines 1-2 where employees include contractors, consultants and temporary workers). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the number of FTE feature of Morgan to provide a means of measuring the manpower required for tasks which can be targeted for reduction to help improve efficiency.

As per claims 11, 33 and 49, Clarke teaches the step of calculating extended staff availability by considering extended work hours. Official notice is taken that it is old and well known that companies have second shift and sometimes third shifts to extend their staff and the work hours in order to meet production goals. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management database of Clarke with an extended staff and extended hours feature to provide a means for increasing staff and work hours to meet production requirements. One such reference that teaches this concept is "The General Employee Scheduling Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.; Clarke does not explicitly teach a capacity report. Morgan teaches that it is known the capacity report is generated further based on the extended staff availability (column 19, lines 35-51: "User-profile Reporting" where

the availability of the employee is reported as well as the production or work volume as indicated by the Activity Output Report, where output is equivalent to work volume as it performs an identical function in substantially the same manner with substantially the same results. The extended staff is included in the employees as noted in column 6, lines 1-2.). Morgan is an analogous art as it also teaches about project management and workflow concerning tasks. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management system of Clarke with the capacity report feature of Morgan to provide a means of measuring the manpower required for tasks which can be targeted for reduction to help improve efficiency and optimize resource allocation.

As per claims 12, 34 and 50, Clarke teaches the extended staff availability is calculated based on a plurality of overtime scenarios or a plurality of expanded staff scenarios (Official notice is taken that it is old and well known that companies have second shift and sometimes third shifts, or expanded staff scenarios, to extend their staff and the work hours in order to meet production goals. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management database of Clarke with an extended staff and extended hours feature to provide a means for increasing staff and work hours to meet production requirements. One such reference that teaches this concept is "The General Employee Scheduling Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.).

As per claims 20, 39 and 55, Clarke teaches the staff availability is calculated based on at least one of the number of employees, the information related to staff outage, the information related to the amount of work time that cannot be used to perform the subtasks, the information related to business days, and the amount of defined work hours per day (See Figure 7, where the employee schedule is displayed. The breaks listed would constitute time the employee is unavailable to work or perform tasks. This would indicate the availability of the employee and would require accessing in order to view the information.).

As per claims 21, 40 and 56, Clarke teaches the information related to the amount of work time that cannot be used to perform the subtasks depends on at least one of the position, the identity, the exempt status, the handling capability, and the outage status of the respective employee (See Figure 7, where the employee schedule is displayed. The breaks listed would constitute time the employee is unavailable or outage time with respect to being able to work to perform tasks.)

8. Claims 4, 8, 25, 29 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke (US 2006/0053043).

As per claims 4, 25 and 44, Clarke does not explicitly teach the time unit is an hour. Figure 7 indicates breaking the work schedule into periods of time for each day, which would entail blocks of hours or portions of hours for breaks and work periods. Official notice is taken that it is old and well known to use an hour when determining a rate. Miles per hour (mph) being one such common hourly rate. Therefore it would have

been obvious to one of ordinary skill in the art at the time of the invention to use an hourly rate to provide a user-friendly means of expressing rate.

As per claims 8 and 29, Clarke teaches the standard work hours per day are configurable. Official notice is taken that it is old and well known that the work hours for employees are a dynamic variable that can change. Some employees work part time, others full time, some work second shift and others work weekends. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a configurable work schedule of hours. One such reference that teaches this concept is "The General Employee Scheduling Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.

9. Claims 13-14, 16-19, 35-36, 38, 51-52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clarke (US 2006/0053043) in view of Morgan et al (US 5,799,286) in further view of Thompson (US 7,020,619).

As per claims 13, 35 and 51, Clarke does not explicitly teach comparing work volume with the staff and then with the extended staff. Thompson teaches that it is known that the capacity report is generated based on a first comparison between the work volume and the staff availability, and a second comparison between the work volume and the extended staff availability (column 13, lines 31-34, where monitoring productivity allows an operation to compare scheduled workload with the available human resources and column 14, lines 20-21 where the cost effectiveness of outsourcing or using extended staff for work is determined.). Thompson is an analogous art as it also teaches about an activity based management system. Therefore it would

have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Clarke with the comparison of staff to extended staff feature of Thompson to provide a more detailed analysis of human capital cost.

As per claims 14, 36 and 52, Clarke does not explicitly teach warnings. Thompson teaches that it is known to generate warnings based on the first comparison and the second comparison (column 15, lines 1-40, where the value of the cost-value indicates whether using outsourced or extended staff resources is cost competitive or if the product should be made internally. If the value is negative, costs would be saved by outsourcing the work. This is equivalent to a warning as it performs an identical function in substantially the same manner with substantially the same resutls). Thompson is an analogous art as it also teaches about an activity based management system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Clarke with the warning feature of Thompson to provide a more user-friendly system that is east-to-use.

As per claims 16, 38 and 54, Clarke does not explicitly teach calculating work time. Thompson teaches that it is known that the total amount of time that employees can perform the subtasks within the specific period of time is calculated by using the equation of: (the number of employees) · (the number of standard work hours per day) · (the number of business days within the specific period of time) - (the amount of time lost due to staff outage within the specific period of time) - (the amount of work time that cannot be used to perform the subtasks within the specific period of time) (column 3, lines 36-67 and column 4, lines 1-3, where the system determines the start time and

cycle and intervals required to complete the tasks for each project). Thompson is an analogous art as it also teaches about an activity based management system. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Clarke with the work time calculation feature of Thompson to provide an efficient means for determining available work time.

As per claim 17, Morgan teaches the capacity report is generated further based on the extended staff availability (column 19, lines 35-51: "User-profile Reporting" where the availability of the employee is reported as well as the production or work volume as indicated by the Activity Output Report, where output is equivalent to work volume as it performs an identical function in substantially the same manner with substantially the same results. The extended staff is included in the employees as noted in column 6, lines 1-2.); the step of calculating extended staff availability by considering extended work hours (column 6, lines 1-5, where each employee, including the extended staff, has their activity percentage data calculated for their respective job. Indicating activity status would also indicate availability when activity status is zero or no value is indicated. Official notice is taken that it is old and well known that companies have second shift and sometimes third shifts, or expanded staff scenarios, to extend their staff and the work hours in order to meet production goals. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management database of Morgan with an extended staff and extended hours feature to provide a means for increasing staff and work hours to meet production requirements. One such reference that teaches this concept is "The General Employee Scheduling

Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.).

As per claim 18, Morgan teaches the extended staff availability is calculated based on a plurality of overtime scenarios or a plurality of expanded staff scenarios (Official notice is taken that it is old and well known that companies have second shift and sometimes third shifts, or expanded staff scenarios, to extend their staff and the work hours in order to meet production goals. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the management database of Clarke with an extended staff and extended hours feature to provide a means for increasing staff and work hours to meet production requirements. One such reference that teaches this concept is "The General Employee Scheduling Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.).

As per claim 19, Clarke teaches the capacity report includes a cost analysis (paragraph 66: "FIGS. 9 and 10 are used to create categories of resources in order to define people, skill sets, experience levels, cost, and availability.").

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches task management: Kumar et al (US 2001/0051907), Jalla (US 6,445,968), Knudson et al (US 5,765,140), Garcia et al (US 2004/0093256), Castonguay et al (US 5,911,134), Fuchs et al (US 2004/0019542),

Broadbent et al (US 2005/0197953), Broadbent et al (US 2004/0230521), Breitenback et al (US 2002/0016729), Yuri et al (US 6,249,715), Scheer (US 2002/0138358), Scheer (US 2002/0161674), Clarke (US 2006/0053043) and "The General Employee Scheduling Problem: An Integration of MS and AI" by Glover et al, Computer & Operations Research, vol 13, no 5, p. 563-573, 1996.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMK

April 13, 2006

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